



General Assembly

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Agenda item 39

Strengthening of the coordination of humanitarian and disaster relief assistance of the United Nations, including special economic assistance

Letter dated 11 January 2005 from the Chargé d'affaires a.i. of the Permanent Mission of Indonesia to the United Nations addressed to the Secretary-General

I have the honour to refer to the special meeting of Association of South-East Asian Nations leaders in the aftermath of the earthquake and tsunami, which was held on 6 January 2005 in Jakarta. The meeting, as you are aware, has resulted in a voice of solidarity in the international community to coordinate relief efforts for rehabilitation and reconstruction of the affected areas, fund-raising and mobilization, and to establish a regional early warning system in the Indian ocean and the South-East Asia region.

In this regard, I have the honour to transmit herewith the Declaration on Action to Strengthen Emergency Relief, Rehabilitation, Reconstruction and Prevention in the Aftermath of the Earthquake and Tsunami Disaster of 26 December 2004 (see annex). I should be grateful if you would have the present letter and its annex circulated as a document of the General Assembly under agenda item 39.

(Signed) Adiyatwidi Adiwoso **Asmady**
Ambassador/Deputy Permanent Representative
Chargé d'affaires a.i.



Annex to the letter dated 11 January 2005 from the Chargé d'affaires a.i. of the Permanent Mission of Indonesia to the United Nations addressed to the Secretary-General

Special meeting of Association of South-East Asian Nations leaders in the aftermath of the earthquake and tsunami

Jakarta, 6 January 2005

Declaration on Action to Strengthen Emergency Relief, Rehabilitation, Reconstruction and Prevention in the Aftermath of the Earthquake and Tsunami Disaster of 26 December 2004

We, the Heads of State/Government, Special Envoys and heads of regional as well as international organizations, who gathered here on 6 January 2005 in Jakarta, Indonesia, expressed solemnly our profound sorrow and our solidarity to overcome the unprecedented catastrophe befalling the Indian Ocean rim countries on 26 December 2004.

This unprecedented devastation needs unprecedented global response in assisting the national Governments to cope with such disaster. This would entail efforts in emergency relief, rehabilitation and reconstruction that may take five to ten years, with resources that cannot be borne by any individual country.

We deeply appreciate the generous contribution and assistance offered by many countries and the overwhelming expressions of support and assistance from Governments, non-governmental organizations and citizens of the world at large.

We applaud the leading role of the affected countries in addressing this disaster, and we recognize the role of the United Nations in assisting the affected countries' coordination of international assistance in the emergency relief phase.

We underlined the need to coordinate better and ensure that those contributions would be effective and sustainable, to truly address the suffering of the victims and to prevent such calamity from recurring.

We expressed our continuing commitment to assist the affected countries and their peoples in order to fully recover from the catastrophic and traumatic effects of the disaster, including in their mid- and long-term rehabilitation and reconstruction efforts.

To these ends, we agreed to:

1. Emergency relief

(a) Urgently mobilize further additional resources to meet the emergency relief needs of victims in the affected countries;

(b) Request the United Nations to mobilize the international community to support the national relief emergency programmes in the affected countries, and welcomed in this regard, the flash appeal by the United Nations; in this connection, further request the United Nations to appoint a Special Representative of the Secretary-General for the above purpose; to convene an international pledging

conference for the sustainability of humanitarian relief efforts; and to explore the establishment of "standby arrangements" at the global level for immediate humanitarian relief efforts;

(c) Strengthen coordination and cooperation of the national, regional and international relief efforts, to ensure effective and immediate distribution of the assistance;

(d) Support the efforts of the affected countries, as national coordinators, to ensure an effective channelling and utilization of assistance as offered by donor countries, international organizations and non-governmental relief organizations;

2. Rehabilitation and reconstruction

(a) Support and emphasize the importance of national rehabilitation and reconstruction programmes, given the devastation of the basic infrastructures and services in the affected countries. The reconstruction and rehabilitation phase should link seamlessly with the humanitarian relief efforts;

(b) Call on the international community, in particular the donor countries, the World Bank, the Asian Development Bank, the Islamic Development Bank, European Investment Bank and related international financial institutions, to provide the necessary funds for the viability and sustainability of those programmes;

(c) Establish a partnership, upon the request and with the leadership of the country concerned, involving donor countries and regional as well as international financial institutions, to support the respective national programmes of the affected countries;

(d) Welcome the initiative of several countries on the moratorium of payments of the external debt of the affected countries to augment their national capacity to carry out the rehabilitation and reconstruction efforts;

(e) Promote and encourage private sector participation in and contribution to the rehabilitation and reconstruction efforts;

3. Prevention and mitigation

(a) Support the decision of ASEAN to establish regional mechanisms on disaster prevention and mitigation, inter alia:

(i) The utilization of military and civilian personnel in disaster relief operations and an ASEAN Humanitarian Assistance Centre, as provided for in the ASEAN Security Community Plan of Action;

(ii) ASEAN Disaster Information Sharing and Communication Network, as provided for in the ASEAN Socio-Cultural Community component of the Vientiane Action Programme;

(iii) A regional instrument on disaster management and emergency response;

(b) A regional early warning system, such as a Regional Tsunami Early Warning Centre, in the Indian Ocean and the South-East Asia region.

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**General Assembly
Fifty-ninth session
Agenda item 36
The situation in the Middle East****Security Council
Sixtieth year****Identical letters dated 12 January 2005 from the Permanent
Representative of Lebanon to the United Nations addressed to the
Secretary-General and the President of the Security Council**

On the instructions of my Government, and with reference to press statement SC/8289 issued by the President of the Security Council, dated 11 January 2005, and with reference also to the Secretary-General's press release SG/SM/9669, dated 10 January 2005, I have the honour to make the following clarifications.

Concerning the press statement by the President of the Security Council,

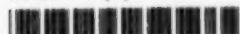
(a) "The legal attack by Hizbollah" that the press statement refers to in its first paragraph was, in fact, a roadside explosive device attributed to Hizbollah;

(b) This roadside explosive device was against an "Israeli patrol" in the Lebanese Shaba'a farms that are occupied by Israel and followed an Israeli attack on 7 January 2005 against two Lebanese civilians and their civilian vehicle across the Blue Line, on the Lebanese side, in the outskirts of the village of Meis El-Jabal.

Concerning the Secretary-General's press release, I would like to reiterate that the roadside explosive device attributed to Hizbollah was located in the Lebanese Shaba'a farms and not on the Israeli side of the Blue Line.

I request to have the present letter circulated as a document of the Security Council and of the General Assembly, under agenda item 36.

(Signed) Sami Kronfol
Ambassador
Permanent Representative





**General Assembly
Security Council**

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Agenda item 36
The situation in the Middle East

Security Council
Sixtieth year

**Identical letters dated 11 January 2005 from the Permanent
Representative of Lebanon to the United Nations addressed to the
Secretary-General and the President of the Security Council**

On instructions from my Government, I have the honour to transmit herewith a summary of Israeli violations and acts of aggression carried out against Lebanon from 26 to 30 December 2004, inclusive (see annex).

These grave violations are part of a series of persistent and provocative Israeli violations of Lebanese territory, including air, sea and land, and contravene the principles of international law, the resolutions of international legitimacy and the repeated calls of the United Nations for their cessation.

In view of these violations and the stepping-up of Israeli threats against Lebanon and the safety of its territory and its citizens, Lebanon relies upon the United Nations to deter and prevent Israel from indulging in such dangerous acts, which constitute a threat to international security and peace. Lebanon holds Israel fully responsible for any consequences to which those acts may lead.

In drawing your attention to the grave consequences of such acts, I request that the present letter of complaint and its annex be circulated as a document of the General Assembly, under agenda item 36, and of the Security Council.

(Signed) Sami Kronfol
Ambassador
Permanent Representative



**Annex to the identical letters dated 11 January 2005 from the
Permanent Representative of Lebanon to the United Nations
addressed to the Secretary-General and the President of the
Security Council**

On 26 December 2004, between 0945 and 1145 hours, an Israeli drone plane violated Lebanese airspace at a medium altitude, entered from above the sea facing Tyre, headed to Beirut and flew in a circular motion over Saida and Khalde.

On 27 December 2004, between 0959 and 1315 hours, an Israeli drone plane violated Lebanese airspace at a medium altitude, entered from above the sea facing Tyre and flew in a circular motion over Saida and Tyre.

On 27 December 2004, between 1025 and 1315 hours, an Israeli drone plane violated Lebanese airspace at a medium altitude, entered from above the sea facing Tyre and flew in a circular motion over Saida and Tyre.

On 30 December 2004, between 1119 and 1202 hours, three Israeli warplanes violated Lebanese airspace at different altitudes, entered from above the sea facing Jbeil, headed to Baalback and Chekaa and flew in a circular motion over Jbeil, Tripoli and Baalback.



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Agenda item 36
The situation in the Middle East

Security Council
Sixtieth year

**Letter dated 11 January 2005 from the Permanent
Representative of Lebanon to the United Nations addressed
to the Secretary-General**

On instructions from my Government, I include below a summary of Israeli violations and acts of aggression against Lebanese sovereignty which occurred during the period from 1 to 8 January 2005.

Air violations

Between 1113 and 1145 hours on 6 January 2005 two Israeli warplanes overflew the sea off Tripoli at a distance of 12 miles from the coast, then headed south towards the Dahr al-Baydar area, proceeding as far as the regions of Jazzin and Sidon and out to a distance of 10 miles over the sea. They then flew back in a northerly direction and circled between Tripoli, Dahr al-Baydar, Jazzin and Sidon, thus violating Lebanese airspace.

At various intervals between 1200 and 1315 hours on 7 January 2005 Israeli enemy aircraft flew at extremely high altitude over the occupied Shab'a Farms.

Between 2050 and 2100 hours on 8 January 2005 two Israeli helicopters performed a flight off Ra's Naqurah, thus violating Lebanese airspace.

Sea violations

At 1625 hours on 1 January 2005 in the open sea off Ra's Naqurah an Israeli enemy gunboat fired a number of rounds in the direction of the territorial waters.

At 0810 hours on 7 January 2005 in the open sea off Ra's Naqurah an Israeli enemy gunboat fired a number of rounds in the direction of the territorial waters. It returned between 2125 and 2135 hours and fired two flare bombs over the said waters.

At 1849 hours on 8 January 2005 in the open sea off Ra's Naqurah, an Israeli enemy gunboat fired a flare bomb over the territorial waters.



Field violations

At 1400 hours on 7 January 2005, on the outskirts of the town of Mays al-Jabal, in the Qadimah Gate locality on the border, within Lebanese territory, while two persons named Ali Dahir and Hasan Dulani were collecting scrap metal with a van, Israeli enemy forces fired a number of rounds from light weapons in their direction. The van was struck by a number of shots, but the two persons were not wounded.

These grave violations are part of a series of persistent and provocative Israeli violations of Lebanese airspace and territory and go against the principles of international law, the resolutions of international legitimacy and your repeated calls for their cessation.

In view of these violations and the stepping-up of Israeli threats to Lebanon and the safety of its territory and its citizens, Lebanon calls upon the Security Council to deter and prevent Israel from such dangerous acts, which pose a threat to international security and peace. Lebanon places upon Israel full responsibility for any consequences to which those acts may give rise.

I should be grateful if you would have this letter circulated as a document of the General Assembly under agenda item 36 and of the Security Council.

(Signed) Sami Kronfol
Ambassador
Permanent Representative



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Agenda item 36
The situation in the Middle East**

**Security Council
Sixtieth year**

**Letter dated 11 January 2005 from the Permanent
Representative of Lebanon to the United Nations addressed
to the Secretary-General**

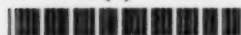
On instructions from my Government, I transmit to you herewith a statistical table showing the number of Israeli violations of Lebanese sovereignty which occurred during December 2004.

These grave violations are part of a series of persistent and provocative Israeli violations of Lebanese territory and airspace, and go against the principles of international law, the resolutions of international legitimacy and your repeated calls for their cessation.

In the light of these violations and the escalation of Israeli threats to Lebanon and the safety of its territory and its citizens, Lebanon calls upon the United Nations to deter and prevent Israel from such dangerous acts, which pose a threat to international peace and security. Lebanon places upon Israel full responsibility for any consequences of these acts.

I should be grateful if you would have this letter and its annex circulated as a document of the General Assembly under agenda item 36 and of the Security Council.

(Signed) Sami **Kronfol**
Ambassador
Permanent Representative





General Assembly

Distr.: General
14 January 2005
English
Original: French

Fifty-ninth session

Agenda item 103

**Report of the United Nations High Commissioner for Refugees,
questions relating to refugees, returnees and displaced persons
and humanitarian questions**

Letter dated 13 January 2005 from the Permanent Representative of Algeria to the United Nations addressed to the Secretary-General

I have the honour to transmit to you herewith a copy of the resolution, the Plan of Action and the Commitment to Cooperation and Coordination adopted at the 6th Pan-African Conference of Red Cross and Red Crescent Societies, held in Algiers from 6 to 13 September 2004 (see annex).

I should be grateful if you would have the text of this letter and its annex distributed as a document of the fifty-ninth session of the General Assembly under agenda item 103, entitled "Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions".

(Signed) Abdallah Baali
Ambassador
Permanent Representative



Annex to the letter dated 13 January 2004 from the Permanent Representative of Algeria to the United Nations addressed to the Secretary-General

[Original: Arabic, English and French]

ALGIERS RESOLUTION

1. The 6th Pan African Conference held in Algiers, Algeria from 8-13 September 2004, under the theme **'Consolidating our Red Cross and Red Crescent role as a reliable and an effective civil society partner'**,
2. Recalls the Ouagadougou Declaration adopted at the 5th Pan African Conference;
3. Recommits to the Red Cross and Red Crescent Principles as important values in the preservation of life and human dignity;
4. Expresses great concern in the increase of natural disasters and conflicts and the huge crisis of food insecurity, HIV/AIDS and growing health threats facing the Continent;
5. Recognises the progress made in implementing the Ouagadougou Declaration;
6. Confirms the continued relevance of the Ouagadougou Declaration and acknowledges the need for an ongoing Pan African implementation, monitoring and evaluation support mechanism;
7. Reaffirms the importance of National Societies working within the framework of the Movement Strategy and Strategy 2010;
8. Notes with appreciation the outcomes of the Resource Mobilisation, Social Mobilisation and Strategic Partnership commissions;
9. Acknowledges the Commitment to Cooperation and Coordination which represents an effort to build a strong Red Cross and Red Crescent Movement;
10. Recognises and supports the development of a strong International Federation Secretariat in the field;
11. Reaffirms the strategic role of volunteers as being the foundation of the Red Cross and Red Crescent Movement in Africa and commits to strengthening volunteerism;

12. Expresses its concern with the humanitarian crisis in the Darfur region of the Sudan and states its solidarity with and respect for the efforts of the Sudanese Red Crescent Society;
13. Acknowledges that well functioning National Societies are an important precondition for improving the lives of the most vulnerable;
14. Adopts and commits to implementing the Algiers Plan of Action, creates a Pan African Coordinator Team (PACT) to monitor the implementation to fully realise the Ouagadougou Declaration, contribute to the Millennium Development Goals and the key interventions agreed to;
15. Appreciates the presence of and partnership with African governments, the African Union, civil society partners, corporate partners, the United Nations agencies, the ICRC, partner National Societies, the Standing Commission and the International Federation Secretariat;

The 6th Pan African Conference held in Algiers, Algeria from 8-13 September, under the theme *consolidating the role of RCRC as a reliable civil society partner in Africa*,

Notes the success of the 6th Pan-African Conference;

Expresses sincere thanks to the Algerian Government, the volunteers and staff of the Algerian Red Crescent Society for their special kindness, hospitality and commitment to the success of the 6th Pan African Conference.

October 2004

ALGIERS PLAN OF ACTION

Under the theme '**Consolidating our Red Cross and Red Crescent role as a reliable and an effective civil society partner**', the 6th Pan African Conference was held in Algiers, Algeria in September 2004. Fifty Red Cross and Red Crescent National Societies from Africa attended.

The African National Societies resolved to lead their Societies through processes which are transparent, credible and accountable.

The African Societies decided that they will take ownership and lead the process of managing the support for the key issues facing the most vulnerable in Africa.

The African Societies reaffirmed that much more can be achieved if they foster and enhance partnerships both in country and internationally.

The Conference reaffirmed the commitments made in the Ouagadougou Declaration and acknowledged them as still being relevant to the major challenges facing the continent.

The commitments are in accordance with the Fundamental Principles of the International Red Cross and Red Crescent Movement and its humanitarian mission. At the Ouagadougou conference, African National Societies committed to:

1. Making a major difference to the health of vulnerable people in Africa by adopting and implementing the ARCHI 2010¹ strategy.
2. Responding to the HIV/AIDS pandemic as an unprecedented humanitarian and development disaster in Africa, by massively scaling up their response in terms of advocacy, prevention, care and mitigation.
3. Making food security a strategic priority for this decade, recognizing that food security is directly linked to a number of root causes, including poverty, the HIV/AIDS pandemic, the worsening debt crisis and armed conflict.
4. Building up National Societies capacities for improved management, coaching and support of their volunteers and branch networks.

The conference acknowledged the achievements and constraints in the implementation of the Ouagadougou Declaration and committed to the Algiers Plan of Action. This plan stays within the framework of the International Federation's Strategy 2010, the Strategy for the International Red Cross Red Crescent Movement and the Agenda for Humanitarian Action of the 28th International Conference.

African National Societies and their partners also pledged to actively continue to engage with vulnerable communities and improve lives by mobilising the power of humanity. Strategy 2010

¹ ARCHI2010 – African Red Cross/Red Crescent Health Initiative until 2010

provides the framework for the basis of our work, with implementation focused through the following core areas:

- Promotion of the Movement's Fundamental Principles and Humanitarian Values;
- Disaster Response;
- Disaster Preparedness;
- Health and Care in the communities.

Considering the developments since Ouagadougou, the National Societies reaffirmed their commitment to partnerships with their governments, based on their auxiliary role with regards to humanitarian services. The National Societies will further engage their governments to define the specific roles of Red Cross and Red Crescent in disaster management and the respect for their impartiality and independence. African National Societies also committed themselves to work towards supporting the achievements of the Millennium Development Goals.

The National Societies reaffirmed the following key interventions and decided to pursue them with renewed commitment, vigour and focus, to be implemented within the next four years:

- Food Security
- Health
- HIV/AIDS
- Institutional capacity building as a cross-cutting issue

National Societies commit to work in an integrated way to achieve the following objectives;

Key Intervention 1: FOOD SECURITY

Objective

To significantly contribute to the reduction of food insecurity of populations made vulnerable by HIV/AIDS, using and developing the knowledge available with the Red Cross/Red Crescent Societies, coping mechanisms of communities and working in partnerships.

Expected Results

- National Society food security strategies and plans developed and implemented,
- Food security programmes that reduce vulnerability to HIV/AIDS and disasters implemented,
- National Society human, financial and technical capacity to undertake food security programmes developed,
- Relevant food security partnerships at local, regional, and international levels within and external to the Movement developed.

Key Intervention 2: HIV/AIDS

Objective 1.

To significantly contribute to the reduction of the spread of HIV infection among the general population in the operation areas through educating the community, fighting stigma and discrimination and expanding the provision and use of protective means.

Expected results:

- a. Communities in the project areas acquired knowledge on the basic facts of HIV/Aids.
- b. Significant change in attitude and behaviour of the communities in project areas,
- c. Significant reduction in the prevalence rate of new HIV infections in project areas,
- d. Reduction of stigma and discrimination,
- e. Greater involvement of People Living with HIV and AIDS (PLWHA).

Objective 2

To increase access of antiretroviral treatment for PLWHA by supporting the efforts of governments in the roll out of Anti-Retroviral Treatment (ART) through mobilizing and preparing communities for treatment, promoting adherence based on home based care approach, reducing stigma and discrimination, facilitating care and treatment, providing psycho-social support, promoting of locally available nutritious food and encouraging the use of local proven traditional knowledge and medicine.

Expected results:

- a. Increased level of community preparedness on ART treatment,
- b. Significant number of PLWHA in the operation areas receiving ART,
- c. Adherence to ART and Tuberculosis treatment equal or more than 90 %,
- d. The quality of life of PLWHA improved,
- e. Scale up home based care program.

Objective 3:

To provide psycho-social support to Orphan and Vulnerable Children (OVC) in the project areas

Expected results:

- a. Registration of OVC through home based care program
- b. School age OVC in the project areas attending school
- c. Communities' traditional coping mechanism strengthened to care for orphans.

Key Intervention 3: HEALTH

Objective:

To significantly contribute to the reduction of morbidity and mortality in vulnerable populations and in emergency situations through implementation of prevention and care activities.

Expected results:

- a. National Societies define health and care priorities and work with partners,
- b. National Societies with the involvement of their communities and volunteers improve health outcomes for the most vulnerable,
- c. National Society human, financial and technical capacity to undertake health programmes developed.

The Algiers Plan of Action will be achieved through integrated programming focusing on the following strategies:

Resource mobilisation

- Build capacity to engage the public and private sectors
- Map current capacities of the societies and measure progress periodically
- Ensure good governance and management for better service delivery and to attract resources
- Better profile our work through communication
- Agreed strategy for advocacy and policy dialogue at national, regional and global level
- Establish a mechanism for sharing best practices in resource mobilization
- Utilise capacities in National Societies and in the communities and supplement it with resources from within and outside the Movement
- Develop operational plan for resourcing the plan of action at regional and country levels.
- Exert maximum effort to access resources from national and international funding pools such as the Global Fund to fight AIDS, Tuberculosis and Malaria (GFATM), the Consolidated Appeal (CAP) and the (US) President's Emergency Plan for AIDS (PEPFAR).

Social mobilisation

- Critically look at traditional coping mechanism in food insecurity, voluntarism and sharing best practices in social mobilization
- Manage volunteers as a valuable resource
- Establish mechanism to include volunteers in decision making processes
- Review, further develop and implement volunteer management policies
- Encourage governments to include and support Red Cross Red Crescent volunteerism in the school systems
- Engage the community in all aspects of programme design and implementation
- Work with existing community structures (women associations, youth groups, religious organizations) for effective mobilization of the community
- Develop the skills of the volunteers in communicating messages to the community.

Strategic partnerships

- Assess institutional capacities and engage partners
- Make partnership building a high priority effort to fight diseases and poverty
- Use partnerships to increase capacities at all levels (national, district, community)
- Create an Africa wide Red Cross and Red Crescent partnership
- Involve volunteers and vulnerable communities as partners in the planning, implementation and evaluation of prevention, emergency and health promotion activities
- Engage and dialogue to get government to provide access to antiretroviral treatment and the development of structures to deliver them.

Implementation Roles

1. Role of National Societies

- Update National Society Strategic Plans within the next six months taking in to account the guidance and key interventions, strategies in the plan of action
- Further implement community based programs to achieve key interventions
- Strengthen existing networks and develop new networks to share successful experience and support each other
- Report annually on the progress made.

2. Role of the Federation Secretariat

- Prepare Best Practice Guidelines detailing best operational practices and procedures
- Keep National Societies informed of changes, trends, policies and other relevant information
- Highlight the plight of the vulnerable populations we serve
- Improve co-ordination, co-operation and communication between and within National Societies, the International Federation and the ICRC
- Assist African National Societies to design, implement, monitor and evaluate programmes
- Assist in Resource Mobilisation.

3. Role of the Pan African Steering Committee

- The Committee is comprised of African members of the Federation's Governing Board, the hosts of the current and future Pan African Conference.
- The role is to provide overall guidance to the implementation and to assess the progress made in achieving the objectives of the Plan of Action.
- The Pan African Coordination Team (PACT) submits the monitoring reports to the Steering Committee.

4. Role of Pan African Coordination Team (PACT)

- The implementation plan will be supported and monitored by the 6th Pan African Coordination Team (PACT) composed of a group of experts representing:
 - ✓ African National Societies: five, one from each region (southern, western, central, eastern, northern)
 - ✓ Participating National Societies: one
 - ✓ Corporate Partner: one
 - ✓ Multilateral Partner (United Nations, etc.): one
- The PACT will provide feedback to the Pan African Steering Committee
- The PACT reports will be shared with all African National Societies.
- The PACT shall be provided technical support from Federation Secretariat.

The Algiers Plan of Action comes with a Resolution and as Annex, the Commitment to Cooperation and Coordination.

Annex

The Commitment to Cooperation and Coordination

At a meeting recently held in Algiers between some African National Societies and some Partner National Societies, the following concerns were expressed:

- (i) The limited response by the Movement to the increasing humanitarian needs in Africa.
- (ii) The capacities of Africa National Societies including issues of:
 - good governance, transparency and accountability in all their activities;
 - relationships with governments, partners and other stakeholders.
- (iii) The challenges currently facing the International Federation.

The African National Societies expressed their determination to take charge of responding to the humanitarian crises in their respective countries and to redefine their vision and relations with their governments and other stakeholders.

This Commitment to Cooperation and Coordination is intended to rekindle a spirit of partnership in Africa. It recognises the decisions and commitments of the statutory bodies of the Movement. It is inspired by the Johannesburg communiqué that was shared with both African National Societies and Partner National Societies attending the 6th Pan-African Conference. The Johannesburg meeting resolved to establish the New Partnership for African Red Cross and Red Crescent Societies (NEPARC).

Both African National Societies and Partner National Societies commit to continuing the implementation of the Strategy 2010, the Ouagadougou Commitments and the Algiers Plan of Action. African National Societies and Partner National Societies recognise the need to do more to maximise the potential of the Movement to serve vulnerable people in Africa. We are therefore jointly committing ourselves to the following:

1. Implementation of the Ouagadougou Declaration and the Algiers Plan of Action,
2. Promoting good partnership in Africa by:
 - Recognising that the needs of vulnerable people are paramount;
 - Accepting and confirming the mandate and role of African National Societies in their own countries;
 - Mutual accountability;
 - Transparency;
 - Mutual trust, respect and inclusiveness within the framework of the Fundamental Principles;
 - Continuing an open and honest dialogue;
 - Developing a stronger Federation supported by an effective Secretariat.

The Algiers Joint Commitment represents a point of departure. The African National Societies and the Partner National Societies jointly recognise the importance of a strong Red Cross / Red Crescent Movement, to which they commit their active support.

To achieve this, all parties will re-examine their working modalities within their respective organisations and in the context of broader formal and informal consultation groups.

12 September 2004, Algiers, Algeria



General Assembly

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Fifty-ninth session

Agenda item 105 (a)

**Human rights questions: implementation of
human rights instruments**

Letter dated 14 January 2005 from the Permanent Representative of Uzbekistan to the United Nations addressed to the Secretary-General

I have the honour to inform you that the Government of the Republic of Uzbekistan continues its efforts to fully comply with the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

In this regard I would like to draw your attention to the measures undertaken by the Government of Uzbekistan during 2004 for the implementation of the recommendations of the United Nations Special Rapporteur on torture (see annex).

I would be very grateful to you if the present letter and its annex were to be circulated as a document of the fifty-ninth session of the General Assembly under agenda item 105.

(Signed) Alisher Vohidov
Permanent Representative of the Republic of Uzbekistan



Annex to the letter dated 14 January 2005 from the Permanent Representative of Uzbekistan to the United Nations addressed to the Secretary-General

[Original: Russian]

Measures taken by the Government of Uzbekistan in 2004 to implement the recommendations of the Special Rapporteur on torture

The invitation extended to the Special Rapporteur of the Commission on Human Rights on the question of torture to visit Uzbekistan and the plan of action adopted by the Government to implement the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment demonstrate the Government's political will to outlaw and eradicate these phenomena. The Government is keeping strictly to this course.

The measures outlined in the Government plan are being implemented in full within the established time frames. The law enforcement agencies are taking decisive steps to prevent violations of citizens' rights by officers, including the use of torture. Efforts are being made in all units to create a climate in which such violations are not tolerated and perpetrators are always held to account.

On 24 February 2004 the Cabinet of Ministers decided to establish an Interdepartmental Working Group to study the situation with respect to the observance of human rights by law enforcement agencies.

The first meeting of the Interdepartmental Working Group took place on 23 March 2004.

On 12 June 2004 a second meeting of the Interdepartmental Working Group was held with the participation of representatives of all law enforcement agencies, the Ministries of Finance and Health, the Ombudsman, the National Centre for Human Rights, the Institute for Monitoring Legislation in Force attached to the Parliament and other institutions.

The Interdepartmental Working Group paid special attention to the efforts of the Central Penal Correction Department of the Ministry of Internal Affairs to safeguard human rights. It should be noted that the Department has elaborated instructions on the procedure for organizing visits to institutions of the penal correction system by representatives of the diplomatic corps, international non-governmental and local non-State, non-commercial organizations and the mass media, which are aimed at improving monitoring of the observance of the rights of detained persons.

Pursuant to the plan of action to implement the Convention against Torture, the Interdepartmental Working Group discussed the outcome of the meetings of the Coordinating Council of Law Enforcement Agencies attached to the Procurator-General's Office held on 29 May 2004 and the Central Administrative Board of the Procurator-General's Office held on 20 May 2004, at which effective measures were developed and decisions adopted to ensure the rigorous observance by law enforcement officers of international standards on human rights and freedoms.

With a view to further intensifying judicial and legal reform in Uzbekistan, in 2004 a number of additions were made to the Policy on Cooperation between the Ombudsman and the Law Enforcement and Judicial Agencies based on the recommendations of the Special Rapporteur on torture, Mr. Theo van Boven.

It was recommended, *inter alia*, that all courts should facilitate the work of the Ombudsman by building an atmosphere of trust and cooperation and developing mutual understanding in carrying out the common tasks of safeguarding and ensuring the observance of constitutional human rights and freedoms. In particular, it was recommended that the Ombudsman should:

- Broaden and seek new ways and means of applying existing safeguards of guaranteed freedoms in Uzbekistan by actively using the agreements on mutual cooperation concluded previously with the Constitutional Court, the Procurator-General's Office, the Council of the Federation of Trade Unions and the Centre for the Study of Human Rights and Humanitarian Law;
- Implement on a regular basis various measures relating to cooperation among judicial and extrajudicial bodies in the protection of human rights in the country's regions with the participation of different groups and sections of society;
- Take joint measures to inform the population of the reforms undertaken in the legislative branch of power and in the judicial and legal spheres;
- Actively use the capacity and experience of international organizations in the field of cooperation among judicial bodies and extrajudicial structures.

On 24 September 2004 the Plenum of the Supreme Court adopted a Decision "On certain issues with respect to the application of criminal procedural norms on the admissibility of evidence".

This Decision states that the fundamental principle of the law of criminal procedure, as set out in the Constitution, is the presumption of innocence, whereby a person is deemed innocent until his guilt is lawfully proved and established by an enforceable court judgement. The judgement may be based only on lawfully gathered evidence.

At its third meeting, held on 18 November 2004, the Interdepartmental Working Group to study the situation with respect to the observance of human rights by law enforcement agencies discussed the following matters:

- The implementation of measures to ensure monitoring of the actions of law enforcement officials with a view to outlawing torture and similar cruel treatment;
- Draft instructions for employees of the Procurator's Office on the application of article 243 of the Code of Criminal Procedure (Procedure for the use of remand in custody as a preventive measure), which requires the Procurator to question personally any suspect or accused person subjected to unlawful treatment;
- A programme to improve and strengthen professional training for law enforcement officers in the treatment of detainees, suspects, persons accused of a crime and convicted persons using international experience and technical assistance from donor countries;

- A study of practice with respect to the application of articles 985 to 991 of the Civil Code, which stipulate the procedure for payment of compensation for moral harm and material damage sustained by persons subjected to torture or similar cruel treatment;
- The preparation of a draft policy on the further development and improvement of the penal correction system of the Ministry of Internal Affairs;
- A study of the practice of State agencies in responding to recommendations for interim measures by the United Nations Human Rights Committee.

The Ministry of Internal Affairs pays special attention to the implementation of United Nations conventions and norms and principles of national legislation aimed at safeguarding and protecting human rights and freedoms.

Currently, the main areas of activity of the internal affairs agencies are as follows:

1. Reforming the arrest and transfer to law enforcement agencies of persons suspected of crimes, taking into account that a person may only be arrested on the grounds specified by law and that arrest based on supposition or on operational data alone is prohibited.
2. Ensuring that all necessary procedural measures are taken in the case of every person suspected of a crime, that is, explaining the suspect or detained person's rights in a timely fashion, ensuring that he is protected, informing close relatives of his arrest, etc.
3. Involving the public when any report of gross violations of legality or the use of torture is examined, that is, conducting so-called "independent investigations". Currently, every report is examined by the appropriate agencies and, if the facts are confirmed, specific measures are taken against the culprits.
4. Ensuring transparency in the activities of the internal affairs agencies.
5. Raising the level of legal literacy and legal awareness of officials of internal affairs agencies.

The agencies and subdivisions of the Ministry of Internal Affairs have been assigned specific tasks. Special attention is being paid to the following issues: detention of persons suspected of crimes and safeguarding of their procedural rights; determination of the status of complaints and reports by citizens of illegal acts by employees of the internal affairs agencies; testing and study of employees' knowledge of legislation and international legal standards; conduct, together with the National Public Opinion Study Centre *Izhtimoy Fikr* (Public Opinion), of sociological polls on the activities of the internal affairs agencies; and other issues relating to the aforementioned areas of activity.

In addition, with the assistance of the United Nations Development Programme, in 2004 the Ministry of Internal Affairs published an Uzbek-language compilation of international human rights instruments relating to the activities of law enforcement agencies, which was distributed to the Ministry's agencies and subdivisions.

The Ministry's Main Investigation Department, with the assistance of the American Association of Jurists and the Embassy of Switzerland in Uzbekistan,

prepared and issued 100,000 copies of a booklet for participants in the criminal process containing descriptions of the procedural rights provided by national legislation and international legal standards. On instructions from the Ministry's management, these booklets were distributed to all internal affairs agencies with orders that they should be given to all persons brought to internal affairs offices.

On 4 December 2004 a round table was organized jointly with the Embassy of the United States of America in Tashkent to study international experience of the functioning of the institution of habeas corpus with the participation of representatives of law enforcement structures.

On 10 December 2004 at a round table held in the country's Parliament on the theme "Human rights issues in the work of law enforcement agencies", an agreement was concluded between the Ministry of Internal Affairs and the Ombudsman of the Parliament of Uzbekistan on strengthening monitoring of the observance of human rights in the work of the internal affairs agencies.

The implementation of the plan of action is being coordinated by the Interdepartmental Working Group to study the situation with respect to the observance of human rights by law enforcement agencies. The mass media are regularly informed of the Interdepartmental Working Group's activities.

The Ministry of Internal Affairs regularly transmits information on the progress made in implementing the Government plan to the Office of the United Nations High Commissioner for Human Rights. In November 2004 the Ministry of Internal Affairs transmitted the Uzbek side's response to and comments on the letter and recommendations of the Special Rapporteur on torture, Mr. Theo van Boven, which were compiled on the basis of non-governmental sources.



General Assembly

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Fifty-ninth session

Agenda item 18

**Election of judges of the International Tribunal for the
Prosecution of Persons Responsible for Serious Violations
of International Humanitarian Law Committed in the
Territory of the Former Yugoslavia since 1991**

Letter dated 18 January 2005 from the President of the Security Council addressed to the President of the General Assembly

I have the honour to draw your attention to resolution 1581 (2005), which was adopted unanimously by the Security Council at its 5112th meeting, held on 18 January 2005 concerning the International Tribunal for the Former Yugoslavia.

(Signed) César **Moyaral**
President of the Security Council



**General Assembly
Security Council**

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General Assembly
Fifty-ninth session
Agenda items 36, 37 and 148

Security Council
Sixtieth year

The situation in the Middle East

Question of Palestine

Measures to eliminate international terrorism

**Letter dated 18 January 2005 from the Permanent Representative
of the Syrian Arab Republic to the United Nations addressed to
the Secretary-General**

On instructions from my Government, I should like to draw your attention to the accusations — which are unfounded and represent nothing but overt forms of propaganda and cheap provocation — directed against my country and contained in many letters from the representative of Israel, including those in document A/59/667-S/2005/14, which we do not expect to be the last. In that regard, I should like to state the following:

- All the dangers and threats to peace and security to which the region is exposed are primarily due to the terrorism practised by Israel in order to perpetuate its illegal occupation of Arab territories. It is not unknown to the international community that Israel — the occupying Power — is continuing its unlawful building of the wall erected on occupied Palestinian lands in defiance of the Advisory Opinion of the International Court of Justice, the highest legal authority of the United Nations. In addition, Israel has not ceased confiscating Palestinian lands, destroying houses and agricultural lands and imposing harsher restrictions on the movement of Palestinian citizens and on areas where the wall is being constructed, including its system of permits, which resemble the system of apartheid. The crimes of the Israeli occupation authorities, reflected in random killing — whether in Palestinian lands or outside them — constitute a systematic policy of Israel, despite continued condemnations by the international community and its demands that Israel cease practising that policy. In addition, Israel's settlement policies in occupied Arab territories in the Golan and in Palestine, which constitute war crimes, not to mention other kinds of crime, have continued. No less than 4,000 Palestinians have been slaughtered in a period of nearly three years, including hundreds of children, women and other innocent people. At the same time as Israel alleges that the Lebanese side has violated the Blue Line, it



should be mentioned that Israel has committed no less than 1,000 violations of the Blue Line within the past year alone.

- The Syrian Arab Republic was one of the first countries to have suffered from terrorism and to call for action to combat and counteract it. The Syrian Arab Republic is making every effort to coordinate with a large number of countries and with regional and international bodies in opposing terrorism and terrorists. However, the irony here is the accusation by Israel that everyone who resists its terrorism and calls for an end to its occupation of Arab territories is practising terrorism. This policy has become clear to everyone.
- Israel refers selectively in its letters to certain international resolutions, yet it is well known that Israel is the party which throughout its history has not respected international legitimacy or its resolutions. Rather, Israel has made its challenge to United Nations resolutions the main pillar of its foreign policy, and especially its contempt for United Nations resolutions concerning the ending of Israeli occupation of Arab territories and the restoration to the Palestinian people of their lawful rights. In this connection, we mention only the resolutions which the countries of the world agreed upon as the way to achieve a just and comprehensive peace in the region, and especially Security Council resolutions 242 (1967) and 338 (1973), not to mention hundreds of other resolutions adopted by the Security Council and the General Assembly. The Syrian Arab Republic, on the basis of its belief in a just and comprehensive peace, hopes that the international community will put an end to Israel's disregard of its obligations under international law and international humanitarian law and will not permit it to remain above international law.
- Lastly, the Syrian Arab Republic reaffirms that it has made a just and comprehensive peace in the Middle East its strategic goal. The Syrian leadership has reiterated its desire for a resumption of the peace process in order to achieve such a peace, in implementation of the United Nations resolutions in question and on the basis of the outcome of the Madrid Peace Conference, the principle of land for peace and the Arab principles adopted at the Beirut Summit in March 2002. However, Israel scorned those appeals and placed many conditions on such action, unsupported by any logic, its objective being merely to deceive the international community, distort realities and continue its practice of State terrorism.

I should be grateful if you would have this letter circulated as a document of the fifty-ninth session of the General Assembly under agenda items 148 "Measures to eliminate international terrorism", 36 "The situation in the Middle East" and 37 "Question of Palestine" and of the Security Council.

(Signed) Fayssal Mekdad
Ambassador
Permanent Representative

**General Assembly
Security Council**Distr.: General
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Original: English

**General Assembly
Fifty-ninth session
Agenda items 36 and 148****Security Council
Sixtieth year****The situation in the Middle East****Measures to eliminate international terrorism****Letter dated 19 January 2005 from the Permanent Representative
of Israel to the United Nations addressed to the Secretary-General**

I am writing to draw your attention to the most recent terrorist attacks perpetrated against the citizens of Israel in the last week alone. We find ourselves with a window of opportunity in the Middle East, and those responsible for these attacks, as well as those who refuse to confront them, seem only to be working to close it.

On 18 January 2005, a Palestinian suicide bomber struck the Gush Katif Junction in the Gaza Strip, killing one Israeli and wounding eight more. The terrorist group Hamas proudly claimed responsibility for the attack.

On 17 January 2005, the Hizbullah terrorist organization detonated an explosive device near an Israeli bulldozer being used to clear explosives on the Israeli side of the Blue Line. This follows an incident on 14 January, when the Hizbullah detonated another explosive device in the same area in an attempt to target Israel Defense Forces (IDF), and yet another attack on 9 January 2005 (as detailed in document A/59/667-S/2005/14), when Captain Sharon Elmakayes was killed as a result of an explosive device planted by the Hizbullah. As we have documented before, Hizbullah, with the sponsorship of Syria and Iran, is seeking to destabilize the region and undermine any hopes of peace, and it is using the networks it has developed with Palestinian terrorist organizations operating in the West Bank and Gaza to achieve this end.

On 15 January 2005, the Israeli town of Sderot was once again the target of Palestinian Qassam rockets. As a result, 17-year-old Ella Abukasis was very critically injured and her 10-year-old brother, Tamir, whom she protected from the blast with her body, was also injured. As you know, the town of Sderot continues to be terrorized by incessant and indiscriminate rocket fire from Palestinian-controlled areas. The rockets have claimed numerous lives, including those of young children, injured many civilians and caused extensive damage. They have made living conditions in the city intolerable for many of its inhabitants.



On 13 January 2005, shortly before the closing of the Karni goods crossing in the northern Gaza Strip, terrorists, using explosives, burst through to the Israeli side of the crossing and opened fire indiscriminately at Israeli civilians, including Israeli truck drivers that transport Palestinian goods to the Israeli market. As a result of the explosion and the gunfire, six Israeli civilians were killed, and five more were wounded. During the evacuation of the wounded, the Palestinian terrorists fired an apparent mortar shell that landed near Karni crossing in attempt to do more damage. The terrorist organization Hamas claimed responsibility for that attack.

It bears repeating that the operation of the Karni crossing is designed to ensure the movement of people and goods and enhance access to merchandise, business, food and basic necessities for the Palestinian population. Attacks such as these are the clearest evidence that Palestinian terrorists are determined to harm not just Israelis but the Palestinian people as well — they are the greatest single obstacle to peace.

As the Palestinian director of security at the Karni crossing point said, "if the attackers had the Palestinian interest in mind, and the food that comes in through the Karni crossing, I don't think they would have done it". Those who would blame Israel for the problems of access and unimpeded movement in Palestinian areas would do well to look at these kind of cynical and destructive acts of Palestinian terrorism that compel Israel to take defensive action.

As this gruesome list of terrorist acts shows, there is unfortunately little evidence that the new Palestinian leadership is serious about confronting Palestinian terrorism in accordance with their basic legal and moral obligations, including those in the very first clauses of phase I of the Road Map. The window of opportunity for progress in the peace process will quickly close if the Palestinian leadership does not live up to these elementary obligations.

It is clear that forces in the region, and within the Palestinian-controlled territories, seek to destroy any hopes of peace. It is incumbent on the Palestinian leadership, if it is serious about peace, to reject these forces and act to eliminate the terrorist infrastructure as it is obligated and equipped to do. Despite the toll in Israeli life claimed by these recent attacks, Israel continues to exercise restraint and hopes that the new Palestinian leadership will finally meet its obligations and adopt a policy of zero tolerance for terrorism. Israel is ready to engage in a serious effort to renew the peace process and live up to its own obligations, but it will not and it cannot tolerate a situation in which Palestinian leaders speak of peace and abide terror at the same time. In the continued absence of genuine and uncompromising Palestinian efforts to eradicate the Palestinian terrorist campaign, Israel will be compelled to take the necessary defensive measures to bring an end to the killing of its civilians in accordance with international humanitarian law.

Israel calls upon the international community to reaffirm its absolute rejection of terrorist tactics and to accept nothing less than the complete dismantling of terrorist organizations, as well as unyielding efforts to prevent terrorism and bring its perpetrators and supporters to justice, in accordance with international law and Security Council resolutions, in particular resolution 1373 (2001), as well as the Road Map. To delay such actions is a direct and immediate threat to the fragile hopes of peace that have been rekindled in the region.

I submit the present letter in follow-up to numerous letters detailing the campaign of Palestinian terrorism launched in September 2000, which document the crimes for which the terrorists and their supporters must be held fully accountable.

I should be grateful if you would arrange to have the text of the present letter circulated as a document of the fifty-ninth session of the General Assembly, under agenda items 36 and 148, and of the Security Council.

(Signed) Ambassador Dan Gillerman
Permanent Representative



**General Assembly
Security Council**

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**General Assembly
Fifty-ninth session
Agenda item 33
Consequences of the Iraqi occupation of and aggression
against Kuwait**

**Security Council
Sixtieth year**

**Letter dated 19 January 2005 from the Permanent Representative
of Turkey to the United Nations addressed to the
Secretary-General**

I have the honour to enclose herewith a letter addressed to you by Abdullah Gül, Deputy Prime Minister and Minister for Foreign Affairs (see annex).

I would be grateful if the text of the present letter and its annex could be circulated as a document of the General Assembly, under agenda item 33, and of the Security Council.

(Signed) Baki İlkin
Ambassador
Permanent Representative



Annex to the letter dated 19 January 2005 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General

As I have done in the past, I would like to share some of my Government's thoughts and concerns on Iraq with you.

We are again approaching a critical turning point in the trying process of Iraqi political transition. The first free elections in many decades are only days away. The United Nations mission, with its limited staff and scope, has been doing exemplary work. I have always stated that a clear United Nations seal on the elections would make its results more legitimate in the eyes of the Iraqis and beyond. The Iraqi authorities are similarly deploying great effort in the preparation of these elections.

But we are equally aware of the circumstances in which this popular experiment is to take place. Security, especially in central Iraq, is ever more elusive, and one large segment of Iraqi society is either unwilling or feels unable to take part in the elections. Turkey's own efforts to persuade this group to make a strong showing in this electoral process has also had a limited effect.

Thus, the results of the 30 January elections may well be below our expectations. When endorsing the current political timetable contained in Security Council resolution 1546 (2004), the objective of the international community had been, and still is, to transfer sovereign authority to a transitory government conferred by popular mandate. In simple percentages, these elections can still deliver that. But qualitatively, there will likely be a gap which will need to be bridged effectively later in the process. As the drafting of the new Iraqi constitution will get under way in the next phase, the participation of all Iraqis in this undertaking will become all the more important. Absence in the Transitional National Assembly should not result in exclusion from the drafting process. Turkey will work with the Iraqis, with the United Nations and with all players of the international community in helping to forge national reconciliation in Iraq up to the point at which the transition is brought to its successful conclusion.

On the other hand, we will have to deal, with equal resolve, with more immediate challenges that may stifle the entire project of a territorially integral, politically united, democratic and peaceful Iraq. These challenges manifest themselves in different ways. We have all along focused, and rightly so, on the security threats and terror posed by myriad groups. Those who see no future for themselves in a peaceful and democratic Iraq must be confronted in the most determined fashion. But defeating the physical threat alone cannot bring about the harmony we are all striving for. The inherent security of the Iraqi political and social fabric lies in the ability of all Iraqi groups to reconcile their own priorities and interests with those of Iraq as a whole. There is apparently a way to go on this account.

At a time when all of us are trying hard to help the common national agenda of Iraq to prevail over individual and sectarian ones, we see persistent efforts to the contrary. Despite the fact that no major clashes of an ethnic or sectarian nature have occurred so far, the international community cannot remain complacent about what it is witnessing now.

In this respect, Kirkuk is a case in point. Attempts to drastically change the demographic structure of the city and the province of Kirkuk continue unabated. There are certainly claims and issues to be addressed in conjunction with property ownership and resettlement in Kirkuk, as well as in a number of other places. The need to bring these matters to a satisfactory conclusion was also highlighted in the Transitional Administrative Law drawn up by the now defunct Iraqi Governing Council. However, what was suggested in that temporary document, and what should naturally be the way, is that these issues have to be settled collectively in Baghdad, in a national framework, and not through the illegitimate unilateral transfer of a sizeable population to the disputed areas and by taking hold of those areas by sheer projection of force. The latest accounts about the number of new settlers in Kirkuk are alarming, and are now estimated in the hundreds of thousands.

Because of the election law applicable for 30 January, this population shift may not have as much of an impact on the results of the balloting for the Transitional National Assembly as it would on province-level voting. It is worrying that certain political groups have been tampering with the demographics of Kirkuk to claim supremacy of power through elections.

An equally worrying tendency is an effort to turn the elections also into a referendum for independence in northern Iraq. A campaign with outside involvement has been going on for some time now, and most recently a group has also approached the United Nations to file a petition for such a referendum.

Let us be totally clear here. There can be no charting of Iraq's future partially. If those who instigate such an outcome invest in the hope that Iraq may after all not be able to hold together under the current circumstances, they will be making a fatal error of judgement. I am confident that the Iraqi nation as a whole will not allow that to happen. And, given the recent history, the Iraqi issue is not an Iraqi one alone. It has impacted, is impacting and will impact the region. And the region, as evidenced by two full years of the Neighbouring Countries Initiative, will stand firmly behind Iraq's integrity.

(Signed) Abdullah Gül
Deputy Prime Minister and Minister for Foreign Affairs



General Assembly

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English
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Fifty-ninth session
Agenda item 105
Human rights questions

Letter dated 24 January 2005 from the Permanent Representative of Cuba to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith the text of the statement by the Ministry of Foreign Affairs of Cuba on the abuses and violations committed against detainees on the naval base at Guantánamo, which was issued on 20 January last (see annex).

I should be grateful if this letter and its annex could be circulated as an official document of the General Assembly under agenda item 105, entitled "Human rights questions".

(Signed) Orlando **Requeijo Gual**
Ambassador
Permanent Representative



Annex to the letter dated 24 January 2005 from the Permanent Representative of Cuba to the United Nations addressed to the Secretary-General

Statement by the Ministry of Foreign Affairs

On 19 January 2005, reflecting the outrage of our people at the atrocities committed on prisoners held at the United States naval base at Guantánamo, the Ministry of Foreign Affairs delivered a diplomatic note to the authorities of the United States Government in Havana and Washington denouncing the flagrant violations of human rights being committed daily by that Government on Cuban territory illegally occupied by the above-mentioned naval base. In its note, the Government of Cuba demanded an immediate end to the inhuman and criminal conduct.

The note reminded the Government of the United States that the atrocities being committed on the base and the very fact of using that illegally occupied Cuban territory as a prison violate numerous instruments of international law and international humanitarian law, and also violate the Coal and Naval Stations Agreement signed in February 1903 between the Government of the United States and the Cuban Government of that period under conditions of inequality and disadvantage for our country, whose independence had been circumscribed by the Platt Amendment.

Under article II of that Amendment, the United States Government committed itself to doing everything necessary to ensure that the locations were used exclusively as coaling or naval stations only and for no other purpose.

It is also important to recall that when the Cuban authorities were informed, although not consulted, of the decision of the United States Government to transfer a group of prisoners of war from Afghanistan to this United States military enclave in Guantánamo, the Government of the Republic of Cuba issued a statement to the national and international public, dated 11 January 2002, in which it said that "although the transfer of foreign prisoners of war by the Government of the United States to one of its military installations located on part of our national territory over which we have been deprived of the right to exercise jurisdiction is inconsistent with the terms under which the installation was established, we shall not create any obstacles to the realization of the operation". The statement also highlighted the fact that our Government had "taken note with satisfaction of the public statements of the United States authorities that the prisoners will receive proper and humane treatment".

The disturbing reality of the prisoners detained on the Guantánamo naval base, who now number 550 according to press reports, likewise reveals the double standard of the United States Government in its familiar and contrived campaign in favour of human rights.

The arbitrary detention of these foreign prisoners without due legal process and the torture and degrading treatment to which they are being subjected constitute a gross violation of human rights and of numerous international treaties and conventions, in particular, the Universal Declaration of Human Rights and the

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

By its hypocritical conduct, the Government of the United States has demonstrated the falseness of its own public statements and that it has lied yet again to the Government of the Republic of Cuba, to its own people and to the international community by concealing the horrific acts of torture, cruelty, humiliation and degradation committed on the prisoners detained on the Guantánamo naval base, which are comparable only to the torture inflicted on inmates in the Abu Ghraib prison and other detention facilities in occupied Iraqi territory.

The Ministry of Foreign Affairs joins in the protests and demands of the international community for the Government of the United States to put an immediate end to these flagrant violations of the rights of prisoners which, moreover, are being committed on illegally occupied Cuban territory.

Cuba has the moral high ground afforded by an irreproachable record in this area and the right conferred on it by the exercise of sovereignty throughout the territory of Cuba to denounce the abuses and violations being committed daily by the United States Government on the detainees on the Guantánamo naval base and to demand an end to these practices, which are in violation of international law.